

To the Members of the California State Senate:

I am returning Senate Bill 455 without my signature.

Consistent statewide enforcement of California's environmental laws is paramount for the protection of California's people, property, and the environment. Last year I signed Senate Bill 391 which helped ensure victims and farm workers impacted by pesticide drift are properly cared for and it expanded penalties and liability.

Early in my Administration, I directed the California Environmental Protection Agency to develop an environmental action plan where one of the top priorities is strong enforcement of environmental protection laws. After finding inconsistent enforcement of some of its laws by local Commissioners, the Department of Pesticide Regulation worked with stakeholders and enforcement officers to develop and adopt as guidelines their 2005 Enforcement Response Policy (ERP).

Senate Bill 455 justly recognizes the need for a consistent and timely strategy for enforcement of pesticide laws. While I concur with the intended goals of this proposal, the recently adopted ERP makes this bill largely unnecessary. By requiring minimum mandatory penalties for "exposure" rather than "harm," which was agreed to in Senate Bill 391, this bill drastically expands liability and restricts enforcement officer discretion. This expansion will create litigation over its interpretation and uncertainty over its scope that could adversely impact the farm workers, the regulated community, our enforcement officers, and the Department.

The ERP will greatly strengthen enforcement and provide statewide consistency of our pesticide laws. Therefore, I direct the Department of Pesticide Regulation to initiate the process of putting the 2005 Enforcement Response Policy into regulation in an expedited process.

Sincerely

Arnold Schwarzenegger